

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

OCT 22 2014

D. MARK JONES, CLERK
BY _____
DEPUTY CLERK

KEVIN WAYNE MCDANIELS,
Plaintiff.

Case No.: _____

vs.

AMENDED COMPLAINT
JURY TRIAL DEMANDED

Mr. Goff, Ogden City Police Dept.
Tim Scott, Officer of Ogden City Police Dept,
Mayor of Ogden Utah,
Ogden Co. Prosecutors Office,
Federal Bureau Of Investigation, Utah,
William Kendall, Assistant U.S. Attorney, Utah, sued in their
Individual and Official capacity.
Defendants.

PRELIMINARY STATEMENT

This is a Civil Rights Action filed by "Kevin W. McDaniels"
a Federal Prisoner, for damages on the "State Tort Claims Act"
"42 U.S.C. § 1983" "Federal Tort Claims Act" "Bivens", for "False
Imprisonment" "Mental Anguish" "Fright and Shock" failure to assist
in receiving a Downward Departure for substantial assistance in
solving a Murder case.

JURISDICTION.

The Court has jurisdiction over the plaintiff's claims of violation
of Federal Constitutional Rights under 42 U.S.C. § 1331(a) and 1343.

The Court has Supplemental Jurisdiction over the plaintiff's
State Law Tort Claims under 28 U.S.C. § 1367.

EXHAUSTION OF REMEDIES

The Lower Court fail to Grant In forma Pauperis, denying plaintiff
Access to the Courts, furthermore this is a case where the plaintiff
is assisting the Government in Solving a Murder case.

PARTIES

1. Kevin McDaniels, is the plaintiff, he is presently incarcerated at F.C.I. Otisville, P.O. Box 1000, Otisville, NY 10963.
2. Mr. Goff, is a Officer employed at Ogden City Police Dept.
3. Tim Scott, is a Officer employed at Ogden City Police Dept.
4. Mayor of Ogden Utah, is the Mayor of Ogden Utah.
5. Ogden Co. Prosecutors Office, is the Prosecutors Office.
6. FBI, Federal Bureau of Investigation, in Utah.
7. William Kendall, U.S. Attorneys Office, Utah.
- *. these defendants are being sued in their Individual and Official capacity.

STATEMENT OF THE CASE.

Plaintiff has continuously provided information to the above defendants regarding the October 24, 2008, Murder of "Jeffrey Bancroft" and they have placed plaintiff's life in jeopardy and also plaintiff's family. There were promises made that if plaintiff assisted with the below information that he would receive a Downward Departure on his Federal Sentence, and plaintiff has been lied to only placing plaintiff's life in Jeopardy by Paul Hall and other inmates within the Federal Bureau of Prisons, which now the inmates know plaintiff is an informant so he has to live in fear of his life until his release date of September 11, 2020.

Plaintiff would show unto this Court that in 2012, he provided the below information to Detective Goff in which plaintiff made it clear that he would assist Law Enforcement in exchange for receiving time off his Federal Sentence and he was only lied to.

Plaintiff hereby sets forth the below listed facts and will testify in Court to these facts concerning the October 24, 2008, Murder of "Jeffrey Bancroft" which occurred in Ogden Utah.

On September 14, 2012, plaintiff was placed in the cell[USP Beaumont], with Paul Ryan Hall, who confessed to his participation in the Jeffrey Bancroft Murder case, he stated these facts. I alone with Tony Garcia were the one's who pulled up beside Jeffrey Bancroft at the Restaurant and Tony Garcia fired two shots out the window at Jeffrey Bancroft, which killed him.

Paul stated this: I was partying at the Motel 6 on Washington Blvd, with a Prostitute named Brandy, and Tony Garcia shows up at the Room, we decided to go get something to eat, I[Paul Hall], get in the back seat of Tony's car and we drive to the 24 hour restaurant, as we pull in we see Jeffrey Bancroft at the Drive Thru window we wait until he pulls away from the window, we follow him and pull up beside him, Tony fires two(2) shots out the front passenger window, hitting Bancroft, he crashes, we keep driving. A Month Later, me[Paul Hall], and Tony Garcia were at the same Motel 6 on Washington Blvd in a Stolen Car, we pull out of the parking lot the police gate behind us we ended up in a High-Speed chase.....Paul states to plaintiff he is going to tell the police that tony confessed to him during the High Speed chase that he was the one that shot and killed Bancroft, paul not wanting to put himself in the car on the night of the killing, in which if Paul Hall had nothing to do with it he should have come forward to Law Enforcement if he had nothing to do with it.

Paul Hall was arrested December 18, 2008 for carjacking but not the Bancroft Case. Paul Hall and Tony Garcia are responsible for the death of Jeffrey Bancroft, Paul Hall requested the information from his wife Lisa in Ogden Utah, a week later it was sent in and Paul; Hall objected to it saying that's not the name of the restaurant and saying, the Prostitute Brandy is dead now so I dont have to worry about her testifying against me she's dead. these are facts that paul Ryan Hall stated to plaintiff placing him at the crime scene of Jeffrey Bancroft on October 24, 2008..

The above defendants have caused "Mental Anguish" to the plaintiff and plaintiff's family, based upon plaintiff trying to assist the Government in solving a Murder case[Jeffrey Bancroft], and now all the Inmates in the Federal Bureau of Prisons know that plaintiff is an Informant and provided information against Paul Ryan Hall, which plaintiff has to live in fear day and night which the defendants have lied to him, promising plaintiff that they would contact AUSA Lance Crick-Greenville S.C. requesting a Downward Departure for plaintiff, a reduction on his Federal Sentence and they have not, plaintiff is willing to testify to the above facts.

Plaintiff hereby moves this Court to Grant the below listed relief:

COMPENSATORY DAMAGES:

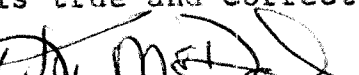
1. \$150,000.00, against detective Goff.
2. \$ 150,000.00, against Tim Scott.
3. \$ 150,000.00, against Mayor of Ogden Utah.
4. \$ 150,000.00, against Ogden Co. Prosecutors Office.
5. \$ 150,000.00, against FBI.
6. \$ 150,000.00, William Kendall.

PUNITIVE DAMAGES:

1. \$ 150,000.00, against detective Goff.
2. \$ 150,000.00, against Tim Scott.
3. \$ 150,000.00, against Mayor of Ogden Utah.
4. \$ 150,000.00, against Ogden Co. Prosecutors Office.
5. \$ 150,000.00, against FBI.
6. \$ 150,000.00, against William kendall.

ATTORNEY FEES:

Grant Attorney Fee's in the amount of \$ 150,000.00.

" I declare under penalty of perjury the above is true and correct
Prayed for on this 25th day of Sept 2014. /s/ 

Kevin McDaniels